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**From:** Freeman, James (ENRD) [James.Freeman2@usdoj.gov]  
**Sent:** 9/18/2015 1:37:50 PM  
**To:** Chalfant, Mark [Chalfant.Mark@epa.gov]  
**Subject:** RE: CFAC confidentiality agreement

Mark,

**Law Enforcement / Ex. 7a; Attorney Client & Deliberative Process / Ex. 5;**

Thanks, Jim

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**From:** Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]  
**Sent:** Thursday, September 10, 2015 7:59 AM  
**To:** Freeman, James (ENRD) <JFreeman@ENRD.USDOJ.GOV>  
**Cc:** Wilder, Scott <Wilder.Scott@epa.gov>; Cirian, Mike <Cirian.Mike@epa.gov>  
**Subject:** RE: CFAC confidentiality agreement

Jim,

**Law Enforcement / Ex. 7a; Attorney Client & Deliberative Process / Ex. 5;**

Thank you.  
Mark

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**From:** Otis, Andrew D. [mailto:aotis@curtis.com]  
**Sent:** Thursday, September 10, 2015 7:22 AM  
**To:** Chalfant, Mark  
**Cc:** Wilder, Scott; Cirian, Mike  
**Subject:** RE: CFAC confidentiality agreement

Mark,

**Law Enforcement / Ex. 7a; Attorney Client & Deliberative Process / Ex. 5;**

Best regards,

Andrew

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**From:** Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]  
**Sent:** Wednesday, September 09, 2015 7:02 PM  
**To:** Otis, Andrew D.  
**Cc:** Wilder, Scott; Cirian, Mike  
**Subject:** RE: CFAC confidentiality agreement

Mr. Otis:

This is to confirm that Monday, September 21<sup>st</sup> at 3:00 p.m. works for the EPA team. I will send out a scheduler on Outlook first thing tomorrow morning. Thank you for your flexibility. Please let me know if you have any comments on the proposed confidentiality agreement in the meantime.

Mark

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]

**Sent:** Wednesday, September 09, 2015 12:23 PM

**To:** Chalfant, Mark

**Cc:** Wilder, Scott; Cirian, Mike

**Subject:** RE: CFAC confidentiality agreement

Mark,

Unfortunately, our team is not available until Monday, September 21. We propose to meet at 3:00 p.m. that day if that works for your team.

Best regards,

Andrew

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**From:** Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

**Sent:** Wednesday, September 09, 2015 11:33 AM

**To:** Otis, Andrew D.

**Cc:** Wilder, Scott; Cirian, Mike

**Subject:** RE: CFAC confidentiality agreement

Mr. Otis:

Thank you for proposing a meeting time for Monday. Unfortunately, Mr. Wilder will be in transit to the Denver office that day. Tuesday works much better for us. We're happy to work around your schedule on Tuesday. Please let me know what time works for you.

Mark

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]

**Sent:** Wednesday, September 09, 2015 9:30 AM

**To:** Chalfant, Mark

**Cc:** Wilder, Scott; Cirian, Mike

**Subject:** RE: CFAC confidentiality agreement

Mark,

Thanks for your mark-up of the Confidentiality Agreement. We are evaluating the paragraph that you inserted now and will get back to you.

I wanted to propose that we schedule a call for Monday, September 14 at 3:00 p.m. EDT. Please let me know if your team can meet at that time.

Best regards,

Andrew

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**From:** Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]  
**Sent:** Wednesday, September 09, 2015 10:51 AM  
**To:** Otis, Andrew D.  
**Cc:** Wilder, Scott; Cirian, Mike  
**Subject:** RE: CFAC confidentiality agreement

Mr. Otis:

Thank you for your follow-up email regarding the confidentiality agreement. EPA does not have an objection to either of your requests below, and I have accepted your proposed changes. Attached please find a revised version which incorporates the changes which EPA has accepted. In addition, the attached revised version incorporates a new subparagraph 5c., which clarifies disclosure limitations with respect to other parties in litigation. It substantially mirrors the existing subparagraph 5b which governs disclosures to experts. EPA's proposed changes are highlighted in yellow. Please let me know if you have any questions or concerns about EPA's proposed changes.

In regard to rescheduling our meeting, I unfortunately have conflicts this afternoon and tomorrow morning. I have a message into Mr. Wilder about his availability early next week and will get back to you. Do you have a preferred time next week? My schedule is generally open on Monday and Tuesday except 1-2PM EDT Tuesday).

Thank you.  
Mark

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]  
**Sent:** Tuesday, September 08, 2015 11:24 AM  
**To:** Wilder, Scott  
**Cc:** Chalfant, Mark  
**Subject:** RE: CFAC confidentiality agreement

Dear Scott,

Thanks very much for sending us the proposed confidentiality agreement. Attached please find the Agreement in Word form with some comments from CFAC in track changes. Our comments are intended to address two issues:

1. We would like to share in the information with the entity that owns the membership interests of CFAC, thus we have added the ability to share the data with CFAC and its affiliates.
2. We would like the ability to use the past cost information that will be provided under agreement in cost recovery litigation, if applicable.

The document may be subject to further review and comment by my client.

Please feel free to contact me if you have any questions or would like to discuss these proposed changes or this agreement.

Best regards,

Andrew Otis

Andrew D. Otis  
Partner  
Curtis, Mallet-Prevost, Colt & Mosle LLP  
101 Park Ave

New York, NY 10178-0061  
Phone: (212) 696 - 6907  
Fax: (917) 368 - 7307  
[www.curtis.com](http://www.curtis.com)  
Skype: Andrew.Otis



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**From:** Wilder, Scott [<mailto:Wilder.Scott@epa.gov>]  
**Sent:** Thursday, August 27, 2015 3:00 PM  
**To:** Otis, Andrew D.  
**Cc:** Chalfant, Mark  
**Subject:** CFAC confidentiality agreement

Mr. Otis:

Attached please find the proposed confidentiality agreement that Mr. Chalfant mentioned in his email to you yesterday. Upon receipt of the executed agreement, EPA will return a fully signed copy of the agreement with the cost documentation disk.

Please let me know if you have any questions.

Thank you,

Scott Wilder  
CERCLA Technical Enforcement Program  
U.S. Environmental Protection Agency, Region 8  
Currently located at:  
1200 6th Ave. ORC-113  
Seattle, WA 98101  
tel. (206)553-6693

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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)

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